IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 31274 of 2006(W)

PETITIONER:

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1. ARJUN RAJ C.R., S/O.P.RAJAN,
   CHADAYAPPILLY HOUSE, EDAPPALLY P.O.,
   KOCHI-24.

2. SANDESH.T.U., S/O.T.S.UNNIKRISHNAN NAIR,
   THAYYIL HOUSE, MANNANCHERY P.O.,
   ALAPPUZHA DISTRICT.

BY ADV. SRI.ASP.KURUP
SRI.SADCHITH.P.KURUP

RESPONDENTS:

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1. THE CALICUT UNIVERSITY REPRESENTED
   BY ITS REGISTRAR, CALICUT P.O.

2. COCHIN UNIVERSITY OF SCIENCE &
   TECHNOLOGY, REPRESENTED BY ITS REGISTRAR,
   COCHIN UNIVERSITY P.O.

3. THE MAHATMA GANDHI UNIVERSITY
   REPRESENTED BY ITS REGISTRAR, M.G.UNIVERSITY P.O.,
   KOTTAYAM.

4. THE PRINCIPAL, M.E.A., ENGINEERING
   COLLEGE, PERINTHALMANNA, VENGOOR PO.,
   VIA PATTIKKAD, MALAPPURAM DISTRICT.

5. THE PRINCIPAL, TOC-H INSTITUTE OF
   SCIENCE & TECHNOLOGY, ARAKUNNAM P.O.,
   MULANTHURUTHY, ERNAKULAM DISTRICT.

6. THE PRINCIPAL, MANGALAM COLLEGE OF
ENGINEERING MANGALAM HILLS, VETTIMUKKAL P.O.,
ETTUMANOOR, KOTTAYAM-31.

R1 BY ADV. SRI.P.C.SASIDHARAN, SC
R4 BY ADV. SRI.R.RAMADAS
R2 BY DR.K.P.SATHEESAN, SC COCHIN UNIVERSITY
R3 BY ADV. SRI.V.A.MUHAMMED, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF RECEIPT NO.3482 DT.6.11.2006 ISSUED BY R4 TO THE 1ST PETITIONER.

P2: TRUE OCPY OF RECEIPT NO.3459 DT.31.10.2006 ISSUED BY R4 TO 2ND PETITIONER.

P3: TRUE COPY OF RECEIPT NO.5710 DT.6.11.2006 ISSUED TO 1ST PETITIONER.

P4: TRUE COPY OF RECEIPT NO.5670 DT.31.10.2006 ISSUED TO 2ND PETITIONER.

P5: TRUE COPY OF NOTIFICATION PUBLISHED IN MATHRUBHUMI DAILY DT.28.11.2006.

P6: TRUE COPY OF ALLOTMENT LETTER DT.21.11.2006 ISSUED TO 1ST PETITIONER.

P7: TRUE COPY OF ALLOTMENT LETTER DT.22.11.2006 ISSUED TO 2ND PETITIONER.

P8: TRUE COPY OF RECEIPT NO.806/758 DT.23.11.2006 ISSUED BY CANARA BANK.

P9: TRUE COPY OF LETTER DT.23.11.2006 ISSUED BY COMMISSIONER FOR ENTRANCE EXAMINATION TO R6.

P10: TRUE COPY OF APPLICATION DT.23.11.2006 RETURNED TO 1ST PETITIONER .

P11: TRUE COPY OF APPLICATION DT.23.11.2006 RETURNED TO 2ND PETITIONER.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.31274 of 2006

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Dated this the 23rd day of January, 2007.

JUDGMENT

Heard counsel for the petitioner and counsel for 4th respondent. The W.P. is filed by the petitioners for direction to 4th respondent to release the original certificates taken from petitioners at the time of granting admission. The case of the petitioners is that both of them got admission in merit quota in other colleges for the subjects of their preference. Therefore, they have left the 4th respondent-college and joined 5th and 6th respondent-colleges. This court vide interim order dated 24.11.2006 permitted the petitioners to continue their studies in the colleges they joined after relieving from 4th respondent-college. The remaining question is only petitioners' entitlement to get original certificates from 4th respondent. Counter affidavit is filed by the 4th respondent. The claim of the 4th respondent is that admissions given to petitioners were in management quota and therefore petitioners are bound to continue their study in the 4th respondent-college. However, documents produced in court disclose that the fees collected from petitioners by 4th respondent at the time of admission is at the same rate fixed by Government for students in merit quota. In the circumstances, the

statement by 4th respondent that admissions were given to petitioners in management quota at higher fees is not correct. Moreover, 4th respondent has not produced any agreement or regulation of the University authorising management to retain the original certificates of students after they leave the college. Petitioners have left the 4th respondent college after a few days of joining and 4th respondent has no case that the petitioners are in arrears of fees or any amount payable to 4th respondent except their claim for fees for the whole course. I am unable to accept the claim of the 4th respondent which is not backed by any agreement or regulation of the University. In the circumstances, W.P. is allowed directing the 4th respondent to release the original marklist, transfer certificate and all documents collected from the petitioners immediately on production of copy of this judgment by the petitioners. The 4th respondent can retain all fees collected from petitioners. However, caution deposit or any other deposit collected should be refunded to the petitioners along with original documents.

C.N.RAMACHANDRAN NAIR
Judge

pms